

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|---------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MB Docket No. 02-128 |
| Table of Allotments, |) | RM-10450 |
| FM Broadcast Stations. |) | |
| (Centerville, Texas) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: December 12, 2003

Released: December 16, 2003

By the Assistant Chief, Audio Division:

1. In response to a petition filed by David P. Garland ("Petitioner"), the Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*¹ proposing the allotment of Channel 274A at Centerville, Texas, as the community's third local FM transmission service. Petitioner filed comments supporting the allotment of Channel 274A at Centerville, Texas.

2. Sonoma Media Corporation ("Sonoma") filed comments and a counterproposal proposing the allotment of Channel 274A at Normangee, Texas, rather than at Centerville, Texas.² Sonoma subsequently submitted a motion requesting the dismissal of its comments and counterproposal and representing that neither Sonoma nor any of its principals had received or been promised any consideration of any kind in return for the requested dismissal.³ We will grant Sonoma's motion.

2. Centerville, Texas, with a population of 947 persons, is the county seat of Leon County, Texas. Centerville is an incorporated place with its own ZIP code (75833). Centerville is a community for allotment purposes, and allotment of Channel 274A at Centerville, Texas, would serve the public interest. Channel 274A can be allotted to Centerville in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 5.4 kilometers (3.3 miles) east of Centerville at 31-14-49 NL and 95-55-23 WL.

3. A filing window for Channel 274A at Centerville, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a

¹ *Owen, Wisconsin, Hartington, Nebraska, Lone Pine, California, Terrebonne, Oregon, Amboy, California, Sutton, Nebraska, Wynnewood, Oklahoma, Roundup, Montana, and Centerville, Texas*, 17 FCC Rcd 9557 (M Bur 2002)

² The proposed reference coordinates for Channel 274A at Normangee were 31-06-41 NL and 96-02-20 WL.

³ See "Motion of Sonoma Media Corporation to Dismiss Its Comments and Counterproposal," filed August 23, 2002. Roy E. Henderson, president and owner of Sonoma Media Corporation, submitted a sworn declaration regarding the lack of any consideration in payment for Sonoma's requested dismissal.

subsequent order.

4. Accordingly, IT IS ORDERED, that the motion of Sonoma Media Corporation, requesting dismissal of its comments and counterproposal in this proceeding, IS GRANTED; and

5. IT IS FURTHER ORDERED, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, That effective January 29, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

| <u>Community</u> | <u>Channel Number</u> |
|--------------------|-----------------------|
| Centerville, Texas | 274A, 278A, 290C3 |

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-7072 Questions related to the application filing process for Channel 274A at Centerville, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau